

REMARKS/ARGUMENT

Claims 22-23, 29 and 30-34 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, and under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse these rejections for the reasons set forth below.

Similar 35 U.S.C. 112, first paragraph & second paragraph rejections were raised by the Examiner in parent application 08/419,229. In an Interview Summary dated April 19, 1995, Group Director Mark R. Powell concluded that the section 112 rejections were unfounded. As to the *Donaldson*-based rejections under 35 U.S.C. 112, second paragraph, Director Powell found, "that while structure per se in not disclosed – this being primarily a software case – the acts for performing the recited functions clearly are". As to the enablement rejection, Director Powell, "agreed that the rejection was unconvincing, given the level of detail recited in the specification and particularly in view of the literature mentioned on the top, for example the Wheatly article mentioned on page 8". Director Powell agreed that the rejections should be withdrawn – and they were. Applicants respectfully point out that Claims 33 and 34 of the present application are substantially similar to claims 12 and 13 that were similarly rejected (and subsequently allowed) in the parent application. Accordingly, the 35 U.S.C. 112, first & second paragraph rejections of Claims 33 and 34 should be withdrawn. Similarly, Applicants respectfully submit that the 35 U.S.C. 112, first & second paragraph rejections of Claims 22-23, 29 and 30-32 are unfounded and should be withdrawn. Claims 22-23, 29 and 30-34 stand allowable since there is no rejection of these claims based on prior art.

Claims 20, 21, 24-28, 35 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanopoulos et al., (5,333,237), in view of Schmandt et al., ("Augmenting a Window System with Speech input", Computer Magazine 8/90, vol. 23, Issue 8, pages 50-56, and in view of Houser et al. Applicants respectfully traverse this rejection, as set forth below.

In proceedings before the Patent and Trademark Office, "the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art". In re Fritch, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (citing In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). "The Examiner can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references", In re Fritch, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992)(citing In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988)(citing In re Lalu, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)).

Even if, arguendo, all of the claim limitations or Claims 20, 21, 24-28, 35 and 36 are present when all of the references are combined, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined ONLY if there is some suggestion or incentive to do so.**" ACS Hosp. Systems, Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. **The mere fact that the prior art may be modified in the manner suggested by the Examiner and the Board does not make the modification obvious unless the prior art suggested the desirability of the modification.** In re Gordon, 733 F.2d at 902, 221 USPQ at 1127. Moreover, **it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious.** In re Gorman, 933 F.2d 982, 987, 18

USPQ2d 1885, 1888 (Fed.Cir.1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed.Cir.1985).

Moreover, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Independent Claim 20 requires and positively recites, an apparatus, comprising: "a speech user agent **that dynamically creates vocabulary, grammar and actions that are possible for a user to use in a given situation**" and "a browsing module for the world wide web being responsive to said speech user agent, said speech user agent facilitating voice activation of said browsing module to access an information resource on the world wide web".

Independent Claim 35 requires and positively recites, an apparatus, comprising: "a speech user agent for accessing a browsing module for the world wide web, said speech user agent **dynamically creates vocabulary, grammar and actions to enable said browsing module** to access an information resource on the world wide web".

Independent Claim 36 requires and positively recites, a method, comprising: "**embedding voice activated control information in HTML pages as delivered on the World Wide Web**, wherein said voice control information is **encoded in a grammar language and is interpreted by a Web client user-agent that translates user utterances into client actions**".

In contrast, Stefanopoulos, Schmandt and Hosur all fail to teach or suggest, "a speech user agent **that dynamically creates vocabulary, grammar and actions that are possible for a user to use in a given situation**", as required by Claim 20, as amended, or "a speech user agent for accessing a browsing module for the world wide web, said speech user agent **dynamically creates vocabulary, grammar and actions to enable said browsing module** to access an information resource on the world wide web", as required by Claim 35, as amended. Similarly,

Stefanopoulos, Schmandt and Hosur all fail to teach or suggest, **“embedding voice activated control information in HTML pages as delivered on the World Wide Web, wherein said voice control information is encoded in a grammar language and is interpreted by a Web client user-agent that translates user utterances into client actions”**, as required by Claim 36.

More specifically, the combination fails to obviate the inventions of Claims 20, 35 and 36 for the following reasons:

The Examiner admits that Stefanopoulos et al, does not teach a speech user agent. The Examiner instead relies upon Schmandt for such teaching. The Examiner's determination to combine Stefanopoulos and Schmandt is flawed for several reasons. First, while Schmandt discloses speech or voice to navigate in a windows environment, there is no evidence in the record that supports a determination that Schmandt's speech or voice is equivalent to Appellants' "speech user agent". Seeming to confirm the above, the Examiner even fails to make any specific argument that Schmandt's speech or voice is equivalent to Appellants' "speech user agent". Second, even were Schmandt to disclose a "speech user agent", it fails to teach or suggest, **“a speech user agent that dynamically creates vocabulary, grammar and actions that are possible for a user to use in a given situation”**, as required by Claim 20, as amended, or **“a speech user agent for accessing a browsing module for the world wide web, said speech user agent dynamically creates vocabulary, grammar and actions to enable said browsing module to access an information resource on the world wide web”**, as required by Claim 35, as amended. Similarly, Stefanopoulos, Schmandt and Hosur all fail to teach or suggest, **“embedding voice activated control information in HTML pages as delivered on the World Wide Web, wherein said voice control information is encoded in a grammar language and is interpreted by a Web client user-agent that translates user utterances into client actions”**, as required by Claim 36 .

Applicants further submit that the Examiner's motivation to combine Stefanopoulos and Schmandt is fatally flawed for up to four reasons. First, Schmandt's "use of speech or voice to navigate in a windows environment" is not designed for use on the "Web" - it was designed to navigate a windows environment on an X windows server. Second, such access would not be "easy" since all of the locations would have to have been pre-identified and entered into a computer by the user implementing Schmandt's computer and voice templates would have to have been previously enrolled for the specific location(s) - which is not "easy". Third, Schmandt's "use of speech or voice to navigate in a windows environment" does NOT reduce manual, intervention [i.e., the use of keyboard], as previously suggested by the Examiner. Fourth, there is no teaching or suggestion in Schmandt that would lead one of ordinary skill in the art at the time of the invention to make the determination that Schmandt's speech interface is "user friendly".

The Examiner relies upon Hosur to overcome the deficiencies of the combination of Stefanopoulos et al. and Schmandt. More specifically, the Examiner determined that "Houser et al., while not teaching a browser, provides access to the Internet or the World Wide Web using speech for facilitating access to the information resources available on the World Wide Web (Col. 11, lines 47-50)" (Office Action dated September 25, 2003, page 6, line 18 – page 7, line 2). Applicants have previously described the deficiencies of the Hosur reference. More particularly, the Houser reference discloses: "a system for **controlling a device such as a television AND for controlling access to broadcast information** such as video, audio, and/or text information ... in which ... a **processor** executes a speech algorithm using the received vocabulary data to recognize the utterances of the speaker AND for **controlling the device AND the access to the broadcast information in accordance with the recognized utterances of the speaker**", (Abstract, lines 1-3 and 6-11).

Further, Houser states in its Summary of the Invention, "the present invention adds a speech recognition interface to a subscriber terminal unit in an information system for implementing spoken control of electronic devices at subscriber location and of ACCESS to information transmitted to the subscriber terminal unit" (col. 2, lines 19-23). Accordingly, Houser is concerned

with ACCESSING information already transmitted to the subscriber unit but perhaps inaccessible because it is scrambled or encoded in some manner. Applicants further point out that “broadcast information” is a one-way transmission from one location to MANY receiving stations – NOT transmission from one information resource on the World Wide Web to one receiving station as in the present invention. Indeed, Houser seems to be concerned with subscription television systems, including cable television systems, so-called near video-on-demand services in which information is “broadcast” to all the stations but is not “accessible” to stations not enabled to access the selected “broadcast” information. The Communications Standard Dictionary defines the term “broadcast”, 1989, as being:

The transmission method whereby **any number of organization, unit, ship, aircraft, or other stations may receive messages transmitted from a designated station**. Transmission is usually in the form of radio, television, or radiotelephone signals (see copy enclosed).

The Communications Standard Dictionary defines the term “broadcast-communication method”, 1989, as being:

1. A method of transmitting messages or information **to a number of receiving stations that make no receipt**. 2. A method of communication in which a message is broadcast and the address does not furnish a receipt. This allows the receiver to maintain radio silence. It is used by shore stations to transmit messages to ships at sea, to aircraft in flight or to units in the field (see copy enclosed).

Accordingly, Houser’s teaching of accessing “broadcast information”, is not relevant to the present invention.

Applicants acknowledge that Houser states: “information request processor 156 may also access a communication network 158 in order to provide subscriber access to services such as the Internet” (col. 11, lines 47-50). Houser does not, however, disclose how or through what means processor 156 is capable of accessing communication network 158 in the event it is the Internet. Any combination of Houser with Stefanopoulos and Schmandt fails to teach or suggest, “a speech

user agent **that dynamically creates vocabulary, grammar and actions that are possible for a user to use in a given situation**", as required by Claim 20, as amended, or "a speech user agent for accessing a browsing module for the world wide web, said speech user agent **dynamically creates vocabulary, grammar and actions to enable said browsing module** to access an information resource on the world wide web", as required by Claim 35, as amended. Similarly, Stefanopoulos, Schmandt and Hosur all fail to teach or suggest, "**embedding voice activated control information in HTML pages as delivered on the World Wide Web**, wherein said voice control information is **encoded in a grammar language and is interpreted by a Web client user-agent that translates user utterances into client actions**", as required by Claim 36 . Should the Examiner disagree, Applicants respectfully request that the Examiner specifically point out the high-lighted elements above in the Stefanopoulos, Schmandt and/or Hosur references. Barring the Examiner submitting evidence of the above-identified claim elements in the cited references, the 35 U.S.C. 103(a) rejection of claims 20, 35 and 36 is overcome.

Claims 21 and 24-28 stand allowable as depending from allowable claims and including further limitations not taught or suggested by the references of record.

Claim 21 further defines the apparatus of Claim 20, wherein said access of said information resource is accomplished in part through use of a grammar embedded in said information resource. Stefanopoulos, Schmandt, and/or Hosur all fail to teach or suggest the use of a grammar to embedded in an information resource. Accordingly the combination of references fails to teach this further limitation in combination with the other requirements of Claim 20.

Claim 24 further defines the apparatus of Claim 21, wherein said information resource is an HTML page. Stefanopoulos, Schmandt, and/or Hosur all fail to teach or suggest wherein said information resource is an HTML page. Accordingly the combination of references fails to teach this further limitation in combination with the other requirements of Claim 21.

Claim 25 further defines the apparatus of Claim 20, further including an instructional module for communicating allowed actions by a user. Stefanopoulos, Schmandt, and/or Hosur all fail to teach or suggest an instructional module for communicating allowed actions by a user. Accordingly the combination of references fails to teach this further limitation in combination with the other requirements of Claim 20.

Claim 26 further defines the apparatus of Claim 21, wherein said embedded grammar is a smart page grammar. Stefanopoulos, Schmandt, and/or Hosur all fail to teach or suggest smart pages or wherein said embedded grammar is a smart page grammar. Accordingly the combination of references fails to teach this further limitation in combination with the other requirements of Claim 21.

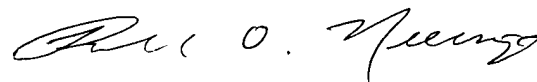
Claim 27 further defines the apparatus of Claim 21, wherein said embedded grammar is a reference to a grammar located in said information resource. Stefanopoulos, Schmandt, and/or Hosur all fail to teach or suggest embedded grammars or that such grammars can be a reference to a grammar located in said information resource. Accordingly the combination of references fails to teach this further limitation in combination with the other requirements of Claim 21.

Claim 28 further defines the apparatus of Claim 21, wherein said grammar is dynamically added to a speech recognizer. Stefanopoulos, Schmandt, and/or Hosur all fail to teach or suggest any mechanism for “dynamically” adding grammars to a speech recognizer. Accordingly the combination of references fails to teach this further limitation in combination with the other requirements of Claim 21.

Applicants respectfully submit that new claims 37-48 are similarly allowable over the Stefanopoulos, Schmandt and Hosur references.

Claims 20-48 stand allowable. Applicant respectfully requests withdrawal of all pending rejections and allowance of the application as the earliest possible date.

Respectfully submitted,



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